

F. Christopher Austin (SBN 6559)  
WEIDE & MILLER, LTD.  
10655 Park Run Drive, Suite 100  
Las Vegas, Nevada 89144  
Telephone: (702) 382-4804  
Email: caustin@weidemiller.com

Jeremy P. Occek (Pro hac vice)  
BOND, SCHOENECK & KING, PLLC  
200 Delaware Avenue  
Buffalo, New York 14202  
Telephone: (716) 416-7000  
Email: jpoczek@bsk.com

Jonathan L. Gray (Pro hac vice)  
BOND, SCHOENECK & KING, PLLC  
One Lincoln Center  
Syracuse, New York 13202  
Telephone: (315) 218-8500  
Email: jlgray@bsk.com

Christopher S. Leone (Pro hac vice)  
BOND, SCHOENECK & KING, PLLC  
350 Linden Oaks, Third Floor  
Rochester, NY 14625-2825  
Telephone: (585) 362-4700  
Email: cleone@bsk.com

*Counsel for Plaintiffs*  
*Signify North America Corporation*  
*and Signify Holding B.V.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SIGNIFY NORTH AMERICA CORPORATION and  
SIGNIFY HOLDING B.V.

Plaintiffs,

v.

LEPRO INNOVATION INC,  
LE INNOVATION INC,  
INNOVATION RULES INC.,  
HOME EVER INC., and  
LETIANLIGHTING, INC.,

Defendants.

Case 2:22-cv-02095-JAD-DJA

**JOINT STIPULATION AND  
ORDER TO EXTEND  
DEADLINES IN REVISED  
SCHEDULING ORDER**

**(Third Requested Extension)**

This is a patent-infringement suit over LED lighting products. Plaintiffs Signify North America Corporation and Signify Holding B.V. (collectively, “Plaintiffs”) allege that Defendants Lepro Innovation Inc., LE Innovation Inc., Innovation Rules Inc., Home Ever Inc., and Letianlighting Inc. (collectively, “Defendants”) infringed seven of Signify’s patents covering various LED technologies.

The parties have proceeded through claim construction under the Local Patent Rules of this Court. On October 16 and 17, 2023, a Claim Construction Tutorial and Hearing were held before Judge Jennifer A. Dorsey. On December 2, 2023, Judge Dorsey issued a 62-page Claim Construction Order construing several of the terms in the patents-in-suit.

Discovery in this case has been worldwide with Defendants’ witnesses traveling from China to Las Vegas for depositions and Plaintiffs’ counsel traveling from the United States to the Netherlands for depositions of the inventors on certain of the Patents-in-Suit. Additionally, the parties have had to search for and collect documents outside of the United States.

For the reasons discussed herein, the parties to this action have agreed and hereby stipulate and respectfully seek the Court’s permission to further extend the following case deadlines in the operative scheduling order (ECF No. 120)<sup>1</sup> to complete discovery:

| <u>Event</u>                 | <u>Current Date</u>    | <u>New Agreed Date</u>    |
|------------------------------|------------------------|---------------------------|
| Expert Designations          | <b>May 10, 2024</b>    | <b>June 17, 2024</b>      |
| Rebuttal Expert Designations | <b>June 10, 2024</b>   | <b>July 17, 2024</b>      |
| Expert Discovery Cut-off     | <b>July 10, 2024</b>   | <b>August 19, 2024</b>    |
| Dispositive Motion Deadline  | <b>August 12, 2024</b> | <b>September 18, 2024</b> |

The parties respectfully submit that good cause exists to extend these deadlines for the reasons set forth herein. Pursuant to Local Rule 26-3, the following information is provided:

<sup>1</sup> On December 21, 2023, the parties filed a joint stipulation and order to extend certain discovery deadlines (ECF No. 100), which was granted by the Court on December 28, 2023 (ECF No. 103). On February 1, 2024, the parties filed a joint stipulation and order to extend certain discovery deadlines (ECF No. 119), which was granted by the Court on February 2, 2024 (ECF No. 120).

1 (a) **A statement specifying the discovery completed.**

2 The parties have served and responded to written discovery.

3 On March 20, 2023, Plaintiffs served a first set of interrogatories and a first set of  
4 documents requests.

5 On April 3, 2023, the parties served Rule 26(a) initial disclosures.

6 On April 26, 2023, Defendants served responses to Plaintiffs' first set of interrogatories  
7 and first set of documents requests.

8 On May 26, 2023, Defendants served a first set of interrogatories and a first set of  
9 documents requests.

10 On June 26, 2023, Plaintiffs served responses to Defendants first set of interrogatories and  
11 first set of documents requests.

12 On October 27, 2023, Plaintiffs served a second set of documents requests.

13 On November 15, 2023, Plaintiffs served a third set of documents requests.

14 On November 27, 2023, Defendants served responses to Plaintiffs' second set of  
15 documents requests.

16 On December 15, 2023, Defendants served responses to Plaintiffs' third set of documents  
17 requests.

18 On December 15, 2023, Plaintiffs served a second set of interrogatories.

19 On January 15, 2024, Defendants served responses to Plaintiffs' second set of  
20 interrogatories.

21 The parties have produced documents in response to each other's document requests. To  
22 date, Plaintiffs have produced 92,659 pages of documents, Defendant LEPRO Innovation Inc. has  
23 produced 1,550 pages of documents, Defendant LE Innovation Inc has produced 14 pages of  
24 documents, Defendant Innovation Rules Inc. has produced 44,821 pages of documents, Defendant  
25 Home Ever Inc. has produced 473 pages of documents, Defendant Letianlighting, Inc. has  
26 produced 31,399 pages of documents, and Defendants have collectively produced an additional  
27 8,535 pages of documents.

1 A deposition of Signify's technical expert, Dr. Regan Zane, was completed on August 25,  
2 2023, in connection with the parties' claim construction briefing.

3 Defendants conducted depositions of four named inventors of the Patents-in-suit, Matthias  
4 Wendt and Reinhold Elferich, on January 7 and 9, 2024, Martijn Lankhorst and Patrick Van  
5 Kooten, on February 7 and 9, 2024. The witnesses and Plaintiffs' counsel for these depositions  
6 were in Eindhoven, The Netherlands.

7 In addition, the following depositions of Defendants' witnesses were conducted by  
8 Plaintiffs on January 15-25, 2024:

- 9 1) Rule 30(b)(6) deposition of Defendant LEPRO Innovation Inc.
- 10 2) Rule 30(b)(6) deposition of Defendant LE Innovation Inc.
- 11 3) Rule 30(b)(6) deposition of Defendant Innovation Rules Inc.
- 12 4) Rule 30(b)(6) deposition of Defendant Home Ever Inc.
- 13 5) Rule 30(b)(6) deposition of Defendant Letianlighting, Inc.
- 14 6) Individual deposition of Weiqiao Xun
- 15 7) Individual deposition of Litao Xu
- 16 8) Individual deposition of Ji Wu

17 Furthermore, the following depositions of Plaintiffs were conducted by Defendants on  
18 April 17 and 18, 2024:

- 19 1) Rule 30(b)(6) deposition of Plaintiff Signify North America Corporation
- 20 2) Rule 30(b)(6) deposition of Signify Holding B.V.

21 **(b) A specific description of the discovery that remains to be completed.**

22 The depositions of Defendants' witnesses Zhikang Huang and Tianying Li remain to be  
23 completed. These depositions were delayed due to motion practice of the parties and visa issues  
24 of the witnesses, as set forth in more detail in section (c) below. The deposition of Mr. Huang is  
25 scheduled to proceed on April 23-24, 2024, and the deposition of Ms. Li is scheduled to proceed  
26 during the week of May 6-10, 2024. The parties believe that it is most efficient to complete these  
27 depositions in advance of expert discovery and dispositive motions.

(c) **The reasons why the deadline was not satisfied or the remaining discovery was not completed within the time limits set by the discovery plan.**

Plaintiffs have been attempting to schedule depositions of Defendants' witnesses since August 2023. However, the scheduling of Defendants' witnesses has been impacted by disputes pertaining to these depositions which has required the intervention of the Court, as well as visa issues with Defendants' witnesses.

On August 18, 2023, Plaintiffs served their individual and Rule 30(b)(6) depositions notices to Defendants. On September 23, 2023, Defendants served objections to the deposition notices and informed Plaintiffs that Defendants' deposition witnesses would not be made available for depositions in Las Vegas, Nevada. Plaintiffs contended that Defendants' witnesses should be made available in Las Vegas, Nevada because each of the Defendants is a Nevada corporation with a principal place of business in Nevada. Thereafter, the parties met and conferred, and the parties reached an impasse on the location of deposition of Defendants' witnesses.

On October 4, 2023, Plaintiffs filed a motion to compel the depositions of Defendants' witnesses in Las Vegas, Nevada. (ECF No. 69.) On October 18, 2023, Defendants opposed Plaintiff's motion to compel and filed a cross-motion for protective order. (ECF Nos. 75, 76.) On October 31, 2023, Plaintiffs filed a reply to their motion to compel and an opposition to Defendants' cross-motion. (ECF Nos. 81, 82.) On November 8, 2023, Defendants filed a reply to their cross-motion. (ECF No. 84.) On November 20, 2023, the Court (Magistrate Judge Daniel J. Albregts) held a hearing on the parties' motions and ruled in Plaintiffs' favor and ordered that Defendants' witnesses to appear for depositions in Las Vegas, Nevada. (ECF No. 87.)

Thereafter, the parties worked to schedule depositions of Defendants' witnesses, however, the parties reached disagreement on the length of the depositions of Defendants' witnesses.

On December 11, 2023, Plaintiffs filed a motion to compel full depositions and requested the Court to order Defendants to produce each of their witnesses for the full time required by the Federal Rules: one day for each individual witness, and one day per corporate entity for each designated 30(b)(6) witness. On December 26, 2023, Defendants filed an opposition, and on

1 January 2, 2024, Plaintiffs filed a reply. On January 4, 2024, the Court (Magistrate Judge Daniel  
2 J. Albregts) held a hearing on Plaintiffs' motion and ruled in Plaintiffs' favor and ordered that  
3 Defendants' witnesses to appear for full depositions as requested by Plaintiffs.

4 Defendants' witnesses Zhikang Huang and Tianying Li recently obtained visas to travel to  
5 the United States. This process involved submitting visa applications and securing visa interviews  
6 with the U.S. consulate in Southern China (Guangzhou). Because these witnesses were ordered to  
7 have their depositions taken in the U.S. and did not have visas to allow them to travel to the U.S.,  
8 Plaintiffs respectfully seek leave of Court to take depositions of these two witnesses and extend  
9 the remaining case deadlines (expert discovery and dispositive motions). The parties previously  
10 advised the Court that they may need to file a stipulation of extension and seek leave of Court to  
11 take depositions of these witnesses beyond the current discovery deadlines if the witnesses did not  
12 receive visas in time to allow them to travel for their depositions. (*See* ECF Nos. 100 and 119.)

13 The parties previously agreed, for the purpose of conserving resources of the parties and  
14 the Court, that Plaintiffs would first proceed with the Rule 30(b)(6) depositions of Defendants and  
15 individual depositions of Defendants' witnesses Weiqiao Xun, Litao Xu, and Ji Wu to ascertain  
16 whether further depositions of Defendants' witnesses would be needed. Following these  
17 depositions on January 15-25, 2024, and after reviewing the transcripts, Plaintiffs determined that  
18 the depositions of Zhikang Huang and Tianying Li were needed.

19 The deposition of Mr. Zhikang Huang is scheduled to proceed in Las Vegas, Nevada on  
20 April 23 and 24, 2024. The deposition of Ms. Tianying Li is scheduled to proceed during the week  
21 of May 6-10, 2024, with the witness traveling to Hong Kong. While Ms. Li was ordered by the  
22 Court to travel to Las Vegas, Nevada for her deposition, Defendants have provided Plaintiffs with  
23 a doctor's note advising that Ms. Li should not travel long distances due to a recently diagnosed  
24 medical condition. Accordingly, the parties have agreed to conduct Ms. Li's deposition remotely  
25 from Hong Kong.

26 For the reasons set forth herein, Plaintiffs respectfully seek the Court's permission, and  
27 Defendants consent to the relief requested herein, to extend the current discovery deadlines to  
28

allow Plaintiffs to take the depositions of Defendants' witnesses Zhikang Huang and Tianying Li. This is the second request to extend the time to take the depositions of Defendants' fact witnesses Zhikang Huang (as a substitute for Jiangyu Zhou) and Tianying Li, and the third request to extend expert discovery and dispositive motion deadlines.

**(d) A proposed schedule for completing all remaining discovery.**

The parties jointly proposed the following schedule for completing remaining discovery:

| <u>Event</u>                 | <u>Current Date</u>    | <u>New Agreed Date</u>    |
|------------------------------|------------------------|---------------------------|
| Expert Designations          | <b>May 10, 2024</b>    | <b>June 17, 2024</b>      |
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**(e) Good Cause Exists for Extending the Subject Deadlines Above.**

Good cause exists for the requested relief for the reasons set forth above and further stated herein. The depositions of Defendants' witnesses Mr. Zhikang Huang and Ms. Tianying Li could not be completed due to U.S. Visa interview delays<sup>2</sup>. The parties have stipulated that Plaintiff may take depositions of these witnesses and that the remaining case deadlines should be extended to accommodate the taking of these depositions before expert discovery and dispositive motions.

The parties respectfully submit that good cause exists to extend these deadlines for the reasons set forth above. No other case deadlines are affected by the requested extension.

WHEREFORE, the parties hereby respectfully request that the Court enter an order extending the deadlines as set forth above.

<sup>2</sup> Plaintiffs' Statement: Defendants did not begin the visa process for Zhikang Huang and Tianying Li until after the Court's November 20, 2023 decision on Plaintiffs' motion to compel depositions in Las Vegas, Nevada, despite the fact that Plaintiffs served their deposition notices for these individuals on August 18, 2023.



1 Dated: April 23, 2024

2 Respectfully submitted,

3 /s/ F. Christopher Austin

4 F. Christopher Austin (SBN 6559)  
5 WEIDE & MILLER, LTD.  
6 10655 Park Run Drive, Suite 100  
7 Las Vegas, Nevada 89144  
8 Telephone: (702) 382-4804  
9 Email: caustin@weidemiller.com

10 Jeremy P. Occek (Pro hac vice)  
11 BOND, SCHOENECK & KING, PLLC  
12 200 Delaware Avenue  
13 Buffalo, New York 14202  
14 Telephone: (716) 416-7000  
15 Email: jpoccek@bsk.com

16 Jonathan L. Gray (Pro hac vice)  
17 BOND, SCHOENECK & KING, PLLC  
18 One Lincoln Center  
19 Syracuse, New York 13202  
20 Telephone: (315) 218-8500  
21 Email: jlgray@bsk.com

22 Christopher S. Leone (Pro hac vice)  
23 BOND, SCHOENECK & KING, PLLC  
24 350 Linden Oaks, Third Floor  
25 Rochester, NY 14625-2825  
26 Telephone: (585) 362-4700  
27 Email: cleone@bsk.com

28 COUNSEL FOR PLAINTIFFS  
Signify North America Corporation and  
Signify Holding B.V.

Respectfully submitted,

/s/ Hua Chen (by permission)

Hua Chen (Pro hac vice)  
SCIENBIZIP, P.C.  
550 South Hope Street, Suite 2825  
Los Angeles, California 90071

Akke Levin (SBN 9102)  
GREENBERG TRAURIG, LLP  
10845 Griffith Peak Dr., Suite 600  
Las Vegas, Nevada 89135  
Telephone: (702) 792-3773  
Facsimile: (702) 792-9002  
Email: Akke.Levin@gtlaw.com

Nicholas Brown (Pro hac vice)  
GREENBERG TRAURIG, LLP  
101 Second Street, Suite 2200  
San Francisco, CA 94105  
Email: Nicholas.Brown@gtlaw.com

Aimee Housinger (Pro hac vice)  
GREENBERG TAURIG, LLP  
1000 Louisiana Street, Suite 6700  
Houston, TX 77002  
Email: housingera@gtlaw.com

Callie J. Sand (Pro hac vice)  
GREENBERG TAURIG, LLP  
77 West Wacker Drive, Suite 3100  
Chicago, IL 60601  
Email: callie.sand@gtlaw.com

COUNSEL FOR DEFENDANTS  
LEPRO Innovation Inc.,  
LE Innovation Inc.,  
Innovation Rules Inc.,  
Home Ever Inc., and  
Leitianlighting, Inc.

IT IS SO ORDERED:

  
UNITED STATES MAGISTRATE JUDGE

DATED: April 23, 2024